## FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \*

Petitioner

The Petitioner herein requests a variance to permit an undersized building lot to have a width of 45 feet in lieu of the required 55 feet, and a side yard setback of 15 feet in lieu of the minimum required 25 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

The Petitioner appeared and testified. Also appearing on benalf of the Petition were Susan Hunt, Petitioner's fiancee, and Al Rayner, a friend. There were no Protestants.

Testimony indicated that the subject property, known as 1337 Lafayette Road, consists of 5,625 sq.ft. zoned D.R. 5.5 and is presently unimproved. Mr. Crawford testified that his father purchased the subject property, also known as Lots 53 and 54 of Catonsville Manor, in 1981 and that he acquired the property in 1985. Testimony indicated the property is located at the corner of Lafayette Road and Harford Road, which at this point is a paper street and has never been developed. Petitioner is desirous of constructing a single family dwelling on the property, which is only 45 feet wide, as depicted in Petitioner's Exhibit 1. Mr. Crawford testified that neither he nor any other member of his family own adjoining property which would permit him to meet the minimum lot width requirement. Testimony indicated that there are other houses in Catonsville Manor developed on 45-foot lots due to the original subdivision of the development.

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-130-The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section Section 1802.3.C.1 by Section 304 to allow an undersized lot to have a width of 45 ft, a side yard setback of 15 ft in lieu of the required

Property is to be posted and advertised as prescribed by Zoning Regulations.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: STEVEN ALLEN CRAWFOLD. (Type or Print Name) City and State Attorney for Petitioner: (Type or Print Name) MSherry own la 17344

City and State 788-684 Name, address and phone number of legal owner, contract purchaser or representative to be contacted al Rayner

out Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

Mr. Crawford testified that prior to filing the instant Petition, he discussed his plans with the adjoining property owner of 1331 Lafayette Road, Mrs. Sherman, in an attempt to acquire an additional 10 feet. Mr. Crawford testified that Mrs. Sherman, who had owned the adjoining property for about 15 years, was not interested in selling a 10-foot strip of her property to him. Mr. Crawford argued that the granting of the variance would not result in any detriment to the health, safety or general welfare of the surrounding community and that practical difficulty exists as the lot

cannot be developed unless the variances are granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily

> 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

President of Present

Beginning at a point on the SE side of the right of way

To Lafayette Ave to wide with its intersection with the

Folio 128 in the 15th Election District. Being in area
3625 Sq. Ft. en 129 t acres.

County Office Building

PUBLIC HEARING FEES

010 -ZONING VARIANCE (IRL)

LAST NAME OF OWNER: CRAWFORD

Sw side of Harford Ave 40 wide being Lots 53 unk 54 Block

==== Plat #3 in the subdivision of Catonsville Monor Plat Book

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this Of Movember, 1990 that the Petition for Zoning Variance to permit an undersized building lot to have a width of 45 feet in lieu of the required 55 feet, and a side yard setback of 15 feet in lieu of the minimum required 25 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> 2) Prior to the issuance of any permits, Petitioner shall submit construction and elevation drawings. At that time, verification shall be made as to the layout of the proposed dwelling.

> 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

> > MNastances ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

CERTIFICATE OF PUBLICATION

NOTICE OF HEARING Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a THIS IS TO CERTIFY, that the annexed advertisement was public hearing on the property identified herein in Room 106 of the County Office Building, to-cated at 111 W. Chasapeake Av-enue in Towson, Maryland 21204 published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_ successive Petition for Zoning Variance Case number: 91-130-A SEC Harford and LaFayet Avenues
1337 LaFayette Avenue
1318 Election District
151 Councilmanic

THE JEFFERSONIAN,

Zeke Olivar Publisher

The Zoning Commissioner of

Baitimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein it. Room 106 of the County Office Building, located at 111 W. Chesapeake Avanue in Towson, Maryland 21204 as follows: Petition for Zoning Variance Case number: 91-130-A SEC Harford and LaFayette Variance: To allow an under-sized lot to have a width of 45 ft., a side yard setback of 15 ft. in lieu of the required 55 ft. and 25 ft. re-

CAT/J/10/217 Oct. 18.

NOTICE OF HEARING

Petitioner(s):
Steven Allen Crawford
Hearing Date: Tuesday,
Nov. 13, 1990 at 11:00 a.m.

Variance: To allow an under-

sized lot to have a width of 45 ft., a side yard setback of 15 ft. in lieu of the required 55 ft. and 25 ft. re-

J. ROBERT HAINES
Zoning Commissioner o
Baltimore County
CAT/J/10/217 Oct. 18.

CERTIFICATE OF PUBLICATION

10-23,1990

THIS IS TO CERTIFY, that the annexed advertisement was publish-10-18 1990

> CATONSVILLE TIMES 5. Zete Orlan

\$ 51.75

Baltimore County Zoning Commissioner

Office of The Thing & Thing
Towson, Maryland 21204 (001) 337-0053 J. Bibert Haines

November 28, 1990

Mr. Steven A. Crawford 229 N. 5th Street, Apt. 78 McSherry Town, Pennsylvania 17344 Dennis F. Rasmussen

RE: PETITION FOR ZONING VARIANCE SE/Corner Lafayette and Harford Roads (1337 Lafayette Avenue) 1st Election District - 1st Councilmanic District Steven A. Crawford - Petitioner Case No. 91-130-A

Dear Mr. Crawford:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANLL. ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

cc: Mr. Jack Crawford 618 Edmondson Avenue, Baltimore, Md.

People's Counsel

AMN:bjs

File

CERTIFICATE OF POSTING ONING DEPARTMENT OF BALTIMORE COUNTY

Townen, Maryland	
District 1 St.  Posted for: Variance	Date of Posting Getalen 22, 1990
Stenen aller Com	lord
Location of property: SE/C Harford and	1 La Fayette Avenues
1337 Fa Fayette arenue	1019 4 # 1
Location of Signer SF Jearnin of Harfor	ana da Jayem arennes
Remarks:	
Posted by S.J. Grata Signature	Date of return: Mosember 2, 1990
Number of Signs: /	

Zoning Commisioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

14/13/90

10TAL: \$76.75 TO WARRY TO UNKERN CHAMPORD

> 64A0480038MICHRO EH 5010:19AM11-13-90

Please make checks payable to: Baitimore County

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To be discussed at Hearing

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this C petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_\_\_ day 90, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-Nov 19 90, at 11 o'clock

04A04#0107MICHRC \$35,00 BA C012:33PH08-17-90 Please make checks payable to: Baltimore County

91-130-A

H9100069

\$35.00

TOTAL: \$35.00

galees

Dennis F. Rasmussen County Executive

Steven Allen Crawford 229 N. 5th Street, Apt. 78 McSherry Town, Pennsylvania 17344

Re: Petition for Zoning Variance CASE NUMBER: 91-130-A SEC Harford and LaFayette Avenues 1337 LaFayette Avenue 1st Election District – 1st Councilmanic Petitioner(s): Steven Allen Crawford HEARING: TUESDAY, NOVEMBER 13, 1990 at 11:00 a.m.

Dear Petitioner:

Please be advised that \$76.75 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & PUST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Steven Allen Crawford, Item No. 69

The Petitioner is requesting a Variance to permit a 50 ft. lot width in lieu of the minimum 45 ft. required. Staff has the following comments on the above request and a side yard setback of 15

ft.: In instances such as these, staff's primary concerns are:

- What is the impact on adjoining property?
   Are adequate front, side and rear yard setbacks being
- 3. Will the reduced lot sizes result in requests for additional provided on the site? variances when subsequent lot owners try to build unsuitable homes on the lots or expand homes into required areas?

Based upon the information provided and analysis conducted, staff recommends that if the request is granted, the following conditions be attached:

- All building setback lines (front, side, rear) shall be shown on the site plan and recorded by the applicant on the deed of record. Furthermore, a statement shall be attached to the site plan which clearly states that all development shall conform to the setbacks as shown and additional variances shall not be granted for setbacks on the subject property.
- Any applications for building permits shall include a copy of the site plan and the Commissioner's "Findings of Fact and Conclusion of Law," provided by the applicant.
- If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM69/ZAC1

RECEIVED 9/21/90

DATE: September 14, 1990

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner

October 1, 1990

NOTICE OF HEARING



Dennis F. Rasmussen County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance CASE NUMBER: 91-130-A SEC Harford and LaFayette Avenues 1337 LaFavette Avenue 1st Election District - 1st Councilmanic Petitioner(s): Steven Allen Crawford HEARING: TUESDAY, NOVEMBER 13, 1990 at 11:00 a.m.

Variance: To allow an undersized lot to have a width of 45 ft., a side yard setback of 15 ft. in lieu of the required 55 ft. and 25 ft. respectively.

> ZONING COMMISSIONER OF BALTIMORE COUNTY

Steven Allen Crawford Al Rayner

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

October 30, 1990

Mr. Steven Allen Crawford 229 N. 5th Street, Apt. 78 McSherry Town, PA 17344 ,

Dennis F. Rasmussen

RE: Item No. 69, Case No. 91-130-A Petitioner: Steven A. Crawford, et ux Petition for Zoning Variance

Dear Mr. Crawford:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissiones



Your petition has been received and accepted for filing this 5th day of September, 1990.

ZONING COMMISSIONER

Zoning Plans Advisory Committee

Petitioner: Steven Allen Crawford

Petitioner's Attorney:

Baltimore County Fire Department 700 East Joppa Road, Suite 901 Towson, Maryland 21204-5500 (301) 887-4500

Paul H. Reincke

SEPTEMBER 6, 1990



J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building

Towson, MD 21204 STEVEN ALLEN CRAWFORD

RE: Property Owner: #1337 LAFAYETTE AVENUE Location: Zoning Agenda: SEPTEMBER 4, 1990

Item No.: 69 Gentlemen:

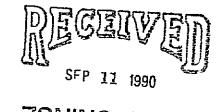
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. CHAPTER 22

REVIEWER: At love Kelly 96-90 Noted and aptain (). F. Brody Color Fire Prevention Bureau Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE SEPTEMBER 11, 1990



J. ROBERT HAINES, ZONING COMMISSONER, DEPARTMENT ZONERG OFFICE CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF

PERMITS & LICENSES CEB ZONING ITEM #: 69

PROPERTY OWNER: Steven Allen Crawford LOCATION: SEC Harford & Lafayette Avenues (#1337 Lafayette Ave) ELECTION DISTRICT: 1st COUNCILMANIC DISTRICT: 1st

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING: ( ) PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE

HANDICAPPED. ( ) RAMPS (degree slope) ( ) PARKING LOCATION ( ) CURB CUTS ( ) NUMBER PARKING SPACES ( ) SIGNAGE ( ) BUILDING ACCESS

( ) PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS ARE

( ) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 ( BALTIMORE COUNTY BUILDING CODE).

( ) OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: August 30, 1990

FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for September 4, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 52, 55, 59, 60, 63, 65, 68, 69 and 70.

For Item 58, a County Review Group Meeting is required. For Items 45, 62 and 66, the previous County Review Group comments still apply.

For Item 57, the topography shows a pole at corner of drive that will interfere with widening. Half paving width of Sulphur Spring Road is 21 feet, right-of-way equals 30 feet (not shown on plan). Entrance apron to be 7-inch concrete on 4-inch CR-6, similar to Plate R-32.

For Item 61, a revised County Review Group Meeting is needed. Original County Review Group Meeting under "Chartley Building" was for one story office.

For 91-42-A, Mary and National Bank Reconstruction. we have no comments.

Developers Engineering Division

RWB:s

LIBER 7 1 5 7 PAGE 7 5 3 DEED - FEE SIMPLE - INDIVIDUAL GRANTOR - LONG FORM LIBER 6 2 5 4 PAGE 0 7 6 OWNER: Steven Aller Crawford PETITIONER(S) SIGN-IN SHEET PLEASE PRINT CLEARLY 91-130-A DEED - FEE SIMPLE - INDIVIDUAL GRANTOR - LONG FORM 91.170 This Deed, MADE THIS . 29th Al Lyner by and between in the year one thousand nine hundred and Eighty-six This Deed, MADE THIS 20th JACK CRAWFORD, of Baltimore County, Maryland, and the State of Alabama, Vicinity Map in the year one thousand nine hundred and Eighty-one by and between of the first part, and DENNIS LEE CRAWFORD, LOCATION INFORMATION STEVEN ALLEN CRAWFORD, of Baltimore County, Maryland, of the first part, and of Carroll County, State of Maryland, Councilmanic District: Election District: of the second part. JACK CRAWFORD, 1"=200" scale map#: 14W | [ WITNESSETH, That in consideration of the sum of NO DOLLARS and other good and Vaning: DR 5.5 valuable considerations, the receipt of which is hereby acknowledged, of the second part. Lot size: 129 5625 square feet WITNESSETH, That in consideration of the sum of NO DOLLARS and other good and valuable considerations, the receipt of which is hereby acknowledged, D RC/F 12.00 EN DWD SEWER: X D the said Jack Crawford 1335 WATER: 🗹 🗌 the said Dennis Lee Crawford Chesapeake Bay Critical Area: 20' LOTS ST- 10" Prior Zoning Hearings: does grant and convey to the said Steven Allen Crawford, his heirs, Lafayette Are. 40' R/w 29 Bring Zoning Office USE ONLY! dues grant and convey to the said Jack Crawford, his heirs , in fee simple, all those two date: Siolan personal representatives/successors and assigns Scale of Drawing: 1"=\_\_\_\_\_\_\_\_ lots of ground situate in Baltimore County, Maryland, personal representatives/successors and assigns , in fee simple, all those prepared by: lot s of ground situate in Baltimore County, Maryland, and described as follows, that is to say: BEGINNING for the same thereof and being known and designated as Lots 53 and 54, Block No. 22, Plat No. 3, on the Plat of "Catonsville Manor" which
Plat is recorded among the Land Records of Baltimore County in Plat Book and described as follows, that is to say:

BEGINNING for the first thereof and being known and designated as Lots 53 and 54,

Block No. 22, Plat No. 3, on the Plat of "Catonsville Manor" which Plat is re
Corded among the Land Records of Baltimore County in Plat Book 6 folio 128. and described as follows, that is to say: 91303 6 folic 128. BEGINNING for the second thereof and being known and designated as Lots 18 and BEING the first lots of ground which by deed dated January 20, 1981, and 19 in Block No. 22 on Plat #2, as shown on said Plat of the property of Catonsrecorded among the Land Records of Baltimore County in Liber E.H.K., Jr. ville Manor, which Plat is recorded among the Land Records of Baltimore County No. 6254 page 076 were granted and conveyed by Dennis Lee Crawford unto in Plat Book W.P.C. No. 6 folio 116. the Grantor herein. BEGINNING for the third thereof and being all those lots known as Lots 14, 15, 16 and 17, Block 22, Plat 2 of the Plat of "Catonsville Manor", which plat is recorded among the Plat Records of Baltimore County in W.P.C. No. 6 folio 116. State Lordview Co BEGINNING for the fourth thereof and being all those lots known and designated as Lots 44, 45, 46, 47, 48, 49, 50, 51 and 52, inclusive, Block No. 22, Plat No. 3 on the Plat of "Catonsville Manor" which Plat is recorded among the Land Records of Baltimore County in Plat Book 6, folio 128. BEING the same lots of ground which by deed dated November 5, 1979, and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr., No. 6104 folio 119 was granted and conveyed by Jack Crawford to the Grantor herein. TRANSFER TAX NOT REQUIRED RANDOLPH B. ROSENCRANTZ D.R. 5.5 Petitiaes PROTESTANT(S) EXHIBIT () 6013 Harpite Me